

NO. PD-0545-20

KEVIN RATLIFF,
Appellant

VS.

THE STATE OF TEXAS,
Appellee

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IN THE

COURT OF CRIMINAL APPEALS
COURT OF CRIMINAL APPEALS

AUSTIN, TEXAS

FILED

COURT OF CRIMINAL APPEALS

DEANA WILLIAMSON, CLERK

**STATE'S FIRST MOTION
FOR EXTENSION OF TIME TO FILE APPELLEE'S BRIEF**

This motion is presented by the State of Texas, by and through the undersigned Assistant District Attorney, and in support would show:

I.

The brief for the State of Texas, Appellee, is presently due on April 14, 2021. The State respectfully requests an extension to allow the Appellee's brief to be filed on or before April 28, 2021.

II.

The undersigned is solely responsible for all appellate and post-conviction matters in felony cases on behalf of the State of Texas for the 33rd and 424th Judicial Districts, covering the counties of Burnet, Llano, Blanco, and San Saba. The undersigned is also solely responsible for all asset seizure and forfeiture matters within those four counties, including investigating and preparing Notices of Seizure and Intended Forfeiture, assisting officers in drafting accompanying affidavits,

preparing and responding to discovery, default and summary judgment procedures, and trial proceedings. Additionally, the undersigned is solely responsible for reviewing and responding to all Public Information Act requests addressed to the 33rd and 424th District Attorney's Office, and assisting other local law enforcement agencies in responding to such requests relating to any open felony cases. The undersigned also reviews all petitions for expunction or nondisclosure, and assists trial prosecutors in the 33rd and 424th District Attorney's office with trial preparation and research, as needed.

III.

Despite his best efforts to do so, the undersigned has been unable to complete the Appellee's brief prior to the current deadline. The undersigned's briefing schedule has been hampered due to persistent illness within his household over approximately the past two weeks, affecting two of the undersigned's young children and the undersigned himself, in turn, and preventing one or more of the undersigned's children at a time from attending school and/or daycare and requiring the undersigned to oversee their daily care and schooling during their illness. The illness was particularly disruptive since the undersigned's briefing schedule had already been condensed by a family vacation from March 15-20 that had been planned long before the briefing schedule was set in this cause.

The undersigned would show that he will need an additional 14 days to complete Appellee's brief in a manner that will assist the Court in analyzing the fact-intensive issues raised by Appellant, and respectfully requests this Court's permission to submit the Appellee's brief on or before April 28, 2021. This is the first motion for extension of time that the State of Texas has sought in this case. The undersigned fully understands and appreciates the obligation to this Court and to the parties involved of the need to pursue justice in a prompt and timely manner. This extension is not sought for the purpose of delay, but in order for the State to more effectively assist the Court in addressing the issues presented.

PRAYER

The State of Texas, in consideration of the facts and circumstances set forth herein above, prays the Court grant this motion and extend the due date for the Appellee's Brief to April 28, 2021.

Respectfully submitted,

OFFICE OF DISTRICT ATTORNEY
33RD and 424th JUDICIAL DISTRICTS
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By: /s/ R. Blake Ewing
R. Blake Ewing
Assistant District Attorney
State Bar No. 24076376
ATTORNEY FOR APPELLEE

CERTIFICATE OF COMPLIANCE

This is to certify that this document, created using Microsoft Word™ 2016 software, contains 655 words, and complies with Rules 9.4(i)(2)(B) and 9.4(i)(3), Tex.R.App.Pro.

/s/ R. Blake Ewing
R. Blake Ewing
Assistant District Attorney

CERTIFICATE OF SERVICE

This is to certify that a true copy of the above and foregoing instrument, together with this proof of service hereof, has been forwarded on the 14th day of April, 2021, to Mr. David Schulman, Attorney for Appellant, by email at zdrdavid@davidschulman.com, and/or via the electronic service function of the EFileTexas.gov online portal.

/s/ R. Blake Ewing
R. Blake Ewing
Assistant District Attorney

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Robert Ewing
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Status as of 4/14/2021 10:22 AM CST

Associated Case Party: Kevin Ratliff

Name	BarNumber	Email	TimestampSubmitted	Status
David A.Schulman		zdrdavid@dauidschulman.com	4/14/2021 10:12:32 AM	SENT

Associated Case Party: The State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Blake Ewing		bewing@burnetcountytexas.org	4/14/2021 10:12:32 AM	SENT